

## ***Good Neighbors Make a Great City***

It should be an easy point of consensus that the City of Frederick should possess both a vibrant economy and a peaceful residential environment. City officials, our **Neighborhood Advisory Councils (NACs)**, and the **Downtown Frederick Partnership** all express their commitment to achieve and maintain this goal. And there is support for increasing the numbers of people living downtown and enjoying all that downtown has to offer. Good business and livability are interdependent and mutually supportive. Yet our city currently falls short on livability in certain neighborhoods. While this statement addresses specifically the conditions prevailing in NAC 11, it's focus is especially on the area "North of Fourth", on and near North Market Street. This neighborhood regularly experiences social behaviors inconsistent with residential livability. These include:

- Excessively loud music from bars/clubs for nighttime periods of up to six hours.
- Closing time shouting, cursing, and occasional fighting by the intoxicated patrons.
- Nighttime noise of motorcycles and muscle cars racing up and down our streets.
- Sexual activity, defecation, and urination on private property.
- Litter of liquor bottles, beer cans, used condoms, cigarette butts and food containers.

- Nearly daily gatherings of persons engaged in apparent drug dealing and/or use.
- Recent shootings at North Market intersections at closing time.

We recognize that music and late night entertainment provide enjoyment and economic benefits. And it is not our intent to extinguish or impair any of the businesses close to our homes. Yet their proximity and the behaviors of those they attract deprives residents of what the City's ordinance asserts is our right. These conditions also risk reductions of inward investment, whether business or residential. Two bars on North Market, **Cafe 611 and Guidos**, regularly violate the City noise ordinance with impunity.

To our surprise and disappointment, the Frederick Police department has an internal policy not to enforce the noise ordinance as written. Allow me to quote Capt. Dwight Sommers, the deputy chief of police, as interviewed by the **Frederick News-Post of May 22nd, 2019**. "Most noise ordinances are largely based on decibel readings", but that didn't work" ... since "most of the problems stemmed from pulsing bass. In response, the city passed a caveat specifically for alcohol establishments. Now, any bar or restaurant with noise that's "plainly audible" within 100 feet of a residential property is technically in violation of the City's noise ordinance.



**Sommers concludes by admitting "the department has an internal policy to calculate noise at the restaurant with decibel readers instead of using the "plainly audible" criteria."**

In our experience, the police do not enforce the "plainly audible" portion of the statute and often rely on the measurement of decibels by the business owners themselves — using an app on a cell phone — rather than the Department's own measuring device. As residents, we find this unacceptable and deeply concerning.

This statement of concern is shared in the hopes that those who love our city and are proud of its progress over recent decades will join with us in proactively addressing the problems cited.

We will urgently request the following of the Mayor and Board of Aldermen:

- A serious, sustained increase in the allocation of police presence, especially around bar and club closing time.
- Full enforcement of the current noise ordinance as written, including low frequency sound.
- An incentive program to help responsible business owners invest in sound proofing based upon guidance from sound mitigation experts.

## *Excerpts from the City Code*

"The people of the City of Frederick have **a right to and should be ensured an environment free from excessive sound** and vibration that may jeopardize their health, welfare or safety or degrade their quality of life. It is necessary to provide for the control of noise levels throughout the city so as to promote public health, safety, and welfare, the peace and quiet of the residents of the city, and to facilitate the use and enjoyment of property... Additionally, the mayor and board of aldermen have heard extensive testimony on numerous occasions as to the problems associated with locations that serve alcoholic beverages and produce or permit excessive and unnecessarily disturbing sound.

**"It is unlawful** for any person managing, employed at, operating or occupying any location licensed to serve alcoholic beverages to use of any portion of the owned or leased property, including any common areas appurtenant to a leasehold, of such location for the operation or amplification of sound produced by a radio, tape player, phonograph, disc player, computer, speaker or other mechanical sound-making device or by an instrument, including an amplified, acoustic or percussive instrument, **so that the sound of such device is plainly audible on a residential property and audible at a distance of one hundred (100) feet from the device producing the sound.**

"Plainly audible" means any sound produced by a radio, tape player, phonograph, disc player, computer, loud speaker, microphone or other mechanical sound-making device or instrument, including an amplified, acoustic or percussive instrument, that can be clearly heard by a person using his or her own normal hearing faculties. Any code enforcement or law enforcement officer who hears a sound that is plainly audible, as defined herein, shall be entitled to measure the sound according to the following standards:

**"The primary means of detection shall be by means of the officer or code enforcement official's ordinary auditory senses,** so long as his hearing is not enhanced by any mechanical device, such as a hearing aid.

"The harmful secondary effects of such excessive and unnecessarily disturbing sound from such commercial establishments tend to include the following additional secondary effects:

- extensive trash and litter disposed of by patrons of such a location on public and private property; and
- drunkenness, public urination; and
- a higher rate of both violent and nonviolent crimes in the immediate vicinity of such a location."